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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mi Familia Vota, et. al.,
Plaintiffs,

v.

Adrian Fontes, et. al.,
Defendants.

Living United for Change in Arizona, et al.,

No. 2:22-cv-00509-SRB (Lead Case)
No. 2:22-cv-01124-SRB (Consolidated)

**Declaration of Emily R. Brailey
Pursuant to Fed. R. Civ. P. 56(d)**

Plaintiffs,

V.

Adrian Fontes,

Defendant,

and

State of Arizona, et al.,

Defendants.

Poder Latinx, et al.,

Plaintiffs,

V.

Adrian Fontes, et al.

Defendants.

United States of America,

Plaintiff,

V.

State of Arizona, et al.,

Defendants.

Democratic National Committee, et al.

Plaintiffs,

V.

Adrian Fontes, et al.,

Defendants,

and

1 Republican National Committee,
2 Defendant-Intervenor.

3 Arizona Asian American Native Hawaiian
4 and Pacific Islander for Equity Coalition,
Plaintiff,

5 v.

6 Adrian Fontes, et al.,
7 Defendants.

8 Promise Arizona, et al.,
9 Plaintiffs,

10 v.

11 Adrian Fontes, et al.,
12 Defendants.

13 Tohono O’odham Nation, et al.,

14 v.

15 Kris Mayes, et al.,
16 Defendants.

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**DECLARATION OF COUNSEL IN SUPPORT OF UNITED STATES’
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746 and Federal Rule of Civil Procedure 56(d), Emily Brailey hereby declares as follows:

1. I am an attorney employed by the United States Department of Justice and I represent the United States in this action.

2. I submit this Declaration under Rule 56(d) in connection with the United States’ opposition to the State Defendants’ and Defendant-Intervenors’ motions for partial summary judgment on the United States’ claim arising under Section 101 of the Civil Rights Act (“Materiality Provision”), 52 U.S.C. § 10101(a)(2)(B).

3. As required by Rule 56(d), this Declaration specifies the reasons that the United States “cannot present facts essential to justify its opposition.” Fed. R. Civ. P. 56(d).

4. The United States sued the State of Arizona on July 5, 2022, challenging House Bill 2492 (“HB 2492”) under Section 6 of the National Voter Registration Act (“NVRA”) and the Materiality Provision. U.S. Compl. ¶¶ 62-70, *United States v. Arizona*, No. 2:22-cv-01124-SRB (D. Ariz. July 5, 2022) (ECF No. 1).

5. The Materiality Provision bars election officials from rejecting voter registration applications based on errors or omissions that are not material to establishing an individual’s qualifications to vote. 52 U.S.C. § 10101(a)(2)(B).

6. The United States’ allegations include that HB 2492 violates the Materiality Provision by requiring election officials to reject voter registration applications if the

1 voter fails to check a box indicating that the voter is a citizen or to include the voter's
2 place of birth. U.S. Compl. ¶¶ 67, 68.

3 7. On March 24, 2023, the Court set a case schedule permitting fact discovery
4 to continue through July 14, 2023, and expert discovery to continue through September
5 28, 2023. ECF No. 338.

6 8. The Court also ordered the parties to file motions for summary judgment on
7 claims that could be decided without discovery. March 23, 2023 Sched. Conf. Tr. at
8 36:20-22, ECF No. 340.

9 9. The State Defendants moved for partial summary judgment on the United
10 States' Materiality Provision claim on May 8, 2023. ECF No. 364. The State
11 Defendants' Motion raises factual questions that can only be resolved through factual and
12 expert discovery.

13 10. For instance, the State Defendants assert that the citizenship checkbox on
14 the State's voter registration form "serve[s] a useful role" in determining a voter's
15 qualifications. State Defs. Mot. at 12, ECF No. 364. That assertion raises material
16 questions of fact as to whether and how Arizona's counties have used, do use, or expect
17 to use the citizenship checkbox on Arizona's voter registration form to determine
18 citizenship when the registrant has already provided documentary proof of citizenship.

19 11. The State Defendants similarly argue that birthplace is "information that
20 can help confirm the voter's identity" and is therefore material to voter qualifications.
21 State Defs. Mot. at 14, ECF No. 364. That assertion raises material fact questions as to
22

1 the utility of attempting to use birthplace to confirm voter identity, as well as the State's
2 past, current, and expected procedures for doing so.

3 12. The United States is currently conducting discovery on the Materiality
4 Provision claim. On May 12, 17, and 30, Consolidated Plaintiffs propounded discovery
5 on this issue. ECF Nos. 366, 372, 386; Exs. A (discovery requests to the Arizona
6 Attorney General), B (discovery requests to the Arizona Secretary of State), C (discovery
7 requests to the Arizona County Recordors).

8 13. The deadline to respond to these requests has not run. *See* Fed. R. Civ. P.
9 34(b)(2)(A) (responding party has 30 days to respond to requests for production of
10 documents).

11 14. Consolidated Plaintiffs are currently working with counsel for the Office of
12 the Arizona Secretary of State to schedule a deposition of a representative of that Office
13 under Rule 30(b)(6). Consolidated Plaintiffs expect to notice additional depositions
14 related to the material fact questions raised by the State Defendants' motion shortly. ECF
15 No. 338 (setting July 14, 2023 as the deadline for fact discovery).

16 15. The discovery that Consolidated Plaintiffs seek regarding the Materiality
17 Provision claim is essential to the United States' opposition to the State Defendants'
18 Motion for Partial Summary Judgment on the Materiality Provision claim. The material
19 facts the United States seeks and is developing through expert analysis include, for
20 example:

- a. Whether and how Arizona election officials have relied on the State Form's citizenship checkbox to establish voter eligibility;
- b. Whether and how Arizona election officials have relied on registrants' birthplace to establish voter identity;
- c. Whether and how Arizona election officials will use the citizenship checkbox or birthplace to establish voter eligibility or identity;
- d. Expert analysis regarding the use of a voter's birthplace to establish or confirm identity;
- e. Expert analysis regarding the number of voters affected by HB 2492's citizenship checkbox, birthplace, and mail voting requirements;
- f. Whether there is evidence of voting by ineligible persons in Arizona that may be prevented by HB 2492's voter registration and mail voting requirements;
- g. Whether and how a voter's eligibility is verified at the time of registration versus when the voter casts a ballot in a federal election; and
- h. Whether and how a voter's eligibility is verified at the time an early ballot by mail is cast versus when a ballot is cast in person in a federal election.

16. The State Defendants and County Defendants are the only entities that possess the additional information the United States requires to adequately respond to the State Defendants' Motion for Partial Summary Judgment, and this information is

1 unavailable to the United States absent additional discovery from those entities.

2 Moreover, at least some of the pertinent information Defendants produced in discovery
3 requires expert analysis.

4 17. The information the United States seeks is discoverable. Fed. R. Civ. P.
5 26(b)(1). It is also essential to the United States' opposition to Defendants' Motion for
6 Partial Summary Judgment on the Materiality Provision claim.

7 18. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
8 foregoing is true and correct.

9 Executed on June 5, 2023

10 /s/ Emily R. Brailey

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Exhibit A

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS'
FIRST SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT
KRIS MAYES, IN HER OFFICIAL
CAPACITY AS ARIZONA
ATTORNEY GENERAL**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

PROPOUNDING PARTY: Consolidated Plaintiffs

RESPONDING PARTY: Defendant Kris Mayes, in her official capacity as
Arizona Attorney General

SET NUMBER: ONE (1)¹

¹ Plaintiff Arizona Asian American Native Hawaiian And Pacific Islander For Equity Coalition served its First Request for Production of Documents on the Arizona Attorney General on December 12, 2022. This is the First Set of Requests for Production to the Attorney General served jointly by all consolidated Plaintiffs.

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, consolidated Plaintiffs, by
2 and through counsel, serve the following requests for production upon Defendant Kris
3 Mayes, in her official capacity as Arizona Attorney General (“Defendant”).

4 Responses to these requests must be produced within thirty (30) days after service
5 in accordance with Rule 34. As agreed among the parties, all discovery responses and
6 documents shall be produced to all counsel of record. Each request for production is subject
7 to the Definitions and Instructions set forth below.

8 **DEFINITIONS**

9 Except as specifically defined below, the terms used in these requests shall be
10 construed and defined in accordance with the Federal Rules of Civil Procedure, wherever
11 applicable. Any terms not defined shall be given their ordinary meaning.

12 1. “Any” or “all” means “any and all.”

13 2. “Challenged Laws” means Arizona House Bill 2492 signed into law by the
14 Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature
15 Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the
16 Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature
17 Second Regular Session 2022.

18 3. “Communication” means any transfer of information of any type, whether
19 written, oral, electronic, or otherwise, and includes transfers of information via email,
20 report, letter, text message, voicemail message, written memorandum, note, summary, and
21 other means. It includes communications entirely internal to the Arizona Attorney
22 General’s Office, as well as communications that include or are with entities and
individuals outside of the Arizona Attorney General’s Office.

23 4. “Document” is synonymous in meaning and scope to the term “document”
24 as used under Federal Rule of Civil Procedure 34 and “writings” and “recordings” as
25 defined in Federal Rules of Evidence 1001, and it includes, but is not limited to, records,
26 reports, lists, data, statistics, summaries, analyses, communications (as defined above), any
27 computer discs, tapes, printouts, emails, databases, and any handwritten, typewritten,
28 printed, electronically recorded, taped, graphic, machine-readable, or other material, of

1 whatever nature and in whatever form, including all non-identical copies and drafts thereof,
2 and all copies bearing any notation or mark not found on the original.

3 5. “Including” means “including but not limited to.”

4 6. “Nonstandard Address” means, but is not limited to, residential addresses
5 that do not include a complete address number and/or a street name; addresses that appear
6 to be directions (such as “between mile markers x and y” or “the second house on the left”);
7 addresses that include a complete address number and street name or otherwise resemble a
8 standard address, but are not listed in nontribal governmental databases; and other
9 addresses that lack address coordinators or are not typically geocoded.

10 7. “Person” means not only natural persons, but also firms, partnerships,
11 associations, corporations, subsidiaries, divisions, departments, joint ventures,
12 proprietorships, syndicates, trust groups, and organizations; federal, state, or local
13 governments or government agencies, offices, bureaus, departments, or entities; other
14 legal, business, or government entities; and all subsidiaries, affiliates, divisions,
15 departments, branches, and other units thereof or any combination thereof.

16 8. “Racially Polarized Voting” means “the existence of a correlation between
17 the race of voters and the selection of certain candidates,” *Thornburg v. Gingles*, 478 U.S.
18 30 (1986).

19 9. “Relating to,” “regarding,” or “concurring” and their cognates are to be
20 understood in their broadest sense and shall be construed to include pertaining to,
21 commenting on, memorializing, reflecting, recording, setting forth, describing, evidencing,
22 or constituting.

23 10. “You,” “your,” and “Attorney General” means Defendant Kris Mayes in her
24 official capacity as Arizona Attorney General, and includes any predecessors and
25 successors to the Arizona Attorney General’s Office; any past and present employees, staff,
26 agents, assigns, and representatives of the Arizona Attorney General’s Office; and any
27 other persons or entities that, at any time, acted on behalf or for the benefit of the Arizona
28 Attorney General’s Office.

INSTRUCTIONS

You are to follow the instructions set forth below in responding to these requests.

1. You shall produce materials and serve responses and any objections on Plaintiffs' counsel within 30 days after service of these requests for production.

2. Pursuant to Federal Rule of Civil Procedure 34(b)(2)(B) and (C), if you object to any part of a request, set forth the basis for your objection and respond to all parts of the request to which you do not object. All objections must be noted with specificity. Any ground not stated in a timely objection is waived.

3. If, in responding to these requests, you encounter any ambiguities when construing a request or definition, set forth in your response what you find to be vague, overbroad, or ambiguous and the construction you used in responding. Where you, in good faith, doubt the meaning or intended scope of a request, and the sole objection would be to its vagueness, overbreadth, or ambiguity, please contact Plaintiffs' counsel for clarification in advance of asserting an objection.

4. With respect to any document withheld on a claim of privilege or work product protection, provide a written privilege log identifying each document individually and containing all information required by Federal Rule of Civil Procedure 26(b)(5), including a description of the basis of the claimed privilege and all information necessary for Plaintiffs to assess the claim of privilege.

5. In accordance with the Federal Rules of Civil Procedure, the scope of discovery sought through these requests for production extends to all relevant and non-privileged materials that might reasonably lead to the discovery of admissible evidence. You should produce all documents available to you or subject to your access or control that are responsive to the following requests for production. This includes documents in your actual or constructive possession or control, as well as any non-privileged information in the actual or constructive possession or control of your attorneys, investigators, experts, agents, and any other persons acting on your behalf.

6. Documents are to be produced as they are kept in the ordinary course of business. Accordingly, documents should be produced in their entirety, without

1 abbreviation, redaction, or expurgation; file folders with tabs or labels identifying
2 documents responsive to this request should be produced intact with the documents; and
3 documents attached to each other should not be separated.

4 7. Subject to any Electronically Stored Information (“ESI”) order subsequently
5 entered in this case, all documents are to be produced in electronic form pursuant to these
6 instructions. All documents, including emails, should be produced in single page TIFF
7 format, showing comments and track changes where applicable, with text extract and
8 database load files containing standard fielded information and metadata. TIFF images
9 shall be placed in an Images folder with any given subfolder not to exceed 5,000 images
10 per folder and accompanied by an .opt placed in a Data folder. Each page of a document
11 should be assigned a unique production number (aka Bates number) electronically
12 “burned” onto the image at a location that does not unreasonably conceal or interfere with
13 information on the document. The number should be consistent across the production,
14 contain no special characters, and be numerically sequential within a given document.
15 Attachments to documents should be assigned numbers that directly follow in sequential
16 order the Bates numbers on the documents to which they were attached. If a number or set
17 of numbers is skipped, the skipped number or set of numbers should be noted, for example
with a placeholder.

18 8. If there are no documents responsive to a particular request, so indicate in
19 your response. Similarly, to the extent that you do not have any means of recording the
20 information requested herein, please so indicate in your responses to the specific
21 production request.

22 9. If any otherwise responsive document was, but is no longer, in existence or
23 in your possession, custody, or control, identify the type of information contained in the
24 document, its current or last known custodian, the location/address of such document, and
25 the identity of all persons having knowledge or who had knowledge of the document, as
26 well as describe in full the circumstances surrounding its destruction, loss, or other
27 disposition from your possession or control.
28

1 10. These requests for production are continuing in nature, up to and during trial.
2 Materials sought by these requests for production that become available after you serve
3 your responses must be disclosed to counsel for Plaintiffs by supplementary response or
4 responses.

5 11. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to
6 promptly supplement or correct your responses to these requests for production if you learn
7 that an answer is in some material respect incomplete or incorrect. If you expect to obtain
8 further information or expect the accuracy of a response given to change between the time
9 responses are served and the time of trial, you should state this fact in each response.
10 Supplementary answers are to be served upon Plaintiffs' counsel as soon as practicable
11 after you receive this new information, but, in any event, no later than 14 days after its
12 receipt.

13 12. If you contend that it would be unreasonably burdensome to obtain and
14 provide all of the documents called for in response to any document request or any
15 subsection thereof, then in response to the appropriate document request: (a) produce all
16 such documents as are available to you without undertaking what you contend to be an
17 unreasonably burdensome effort; (b) describe with particularity the efforts made by you or
18 on your behalf to produce such documents, including identification of persons consulted,
19 description of files, records and documents reviewed, and identification of each person
20 who participated in the gathering of such documents, with specification of the amount of
21 time spent and the nature of work done by such person; and (c) state with particularity the
22 grounds upon which you contend the additional efforts to produce such documents would
23 be unreasonably burdensome.

24 13. The past-tense forms of verbs in these requests include their present-tense
25 forms, and vice versa.

26 14. The singular form of a noun or pronoun includes the plural form, and the
27 plural form indicates the singular.
28

15. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of a document production topic all responses that otherwise might be construed to be outside its scope.

16. A reference to an entity, agency, department, or board in this request shall be construed to include its officers, directors, partners, members, managers, employees, representatives, agents, consultants, or anyone acting on its behalf.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents and Communications from January 1, 2016 to the present, including but not limited to bulletins, memoranda, training materials, manuals, policies, and procedures, related to the Attorney General or other office of the State of Arizona assisting any Tribe, enrolled Tribal member, or other Arizona resident who uses a Nonstandard Address with assigning or identifying a physical residential street address for any home or homes that lack one or with navigating the challenges presented by the lack of a standard residential street address.

REQUEST FOR PRODUCTION NO. 2:

All Communications from November 4, 2020 to the present regarding the Challenged Laws, including any associated legislative proposals, with any representatives or agents of Intervenor Republican National Committee, Arizona Free Enterprise Club, Heritage Foundation, American Legislative Exchange Council, Election Transparency Initiative, Honest Elections Project, America First Policy Institute, and Public Interest Law Foundation, as well as all documents related to such communications.

REQUEST FOR PRODUCTION NO. 3:

All Documents and Communications from January 1, 2016 to the present concerning Arizona's history of voting-related discrimination and Racially Polarized Voting.

REQUEST FOR PRODUCTION NO. 4:

All Documents and Communications from January 1, 2016 to the present concerning racial and language minority disparities in Arizona in poverty rates, income,

1 access to transportation, education, healthcare, employment, home ownership, and internet
2 access.

3 **REQUEST FOR PRODUCTION NO. 5:**

4 All Documents and Communications from January 1, 2016 to the present
5 concerning the Elections Procedures Manual, as well as implementation and enforcement
6 of the consent decree reached in *LULAC v. Reagan*, No. 2:17-cv-04102-DGC.

7 **REQUEST FOR PRODUCTION NO. 6:**

8 All Documents and Communications from January 1, 2016, to the present
9 regarding misconduct, fraud, election security, or a lack of voter confidence in election
10 integrity related to citizenship, voters' residences, or proof of citizenship or residential
11 addresses in voter registration, including but not limited to complaints, bulletins,
12 memoranda, training materials, manuals, policies, and procedures.

/s/ Christopher Dodge (with permission)

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Keanu Stevens, Alanna Siquieros, and LaDonna Jacket*

** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT KRIS MAYES, IN HER OFFICIAL CAPACITY AS ARIZONA ATTORNEY GENERAL** on counsel of record for all parties by email.

Dated: May 12, 2023

/s/ Daniel Arellano

Daniel Arellano

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS'
FIRST SET OF
INTERROGATORIES TO
DEFENDANT KRIS MAYES, IN
HER OFFICIAL CAPACITY AS
ARIZONA ATTORNEY GENERAL**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

PROPOUNDING PARTY: Consolidated Plaintiffs

RESPONDING PARTY: Defendant Kris Mayes, in her official capacity as
Arizona Attorney General

SET NUMBER: ONE (1)

Pursuant to Federal Rules of Civil Procedure 26 and 33, consolidated Plaintiffs, by and through counsel, serve the following Interrogatories upon Defendant Kris Mayes, in her official capacity as Arizona Attorney General (“Defendant”).

Responses to these Interrogatories must be produced within thirty (30) days after service in accordance with Rule 33. As agreed among the parties, all discovery responses shall be produced to all counsel of record. Each Interrogatory is subject to the Definitions and Instructions set forth below.

DEFINITIONS

Except as specifically defined below, the terms used in these Interrogatories shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. “Challenged Laws” means Arizona House Bill 2492 signed into law by the Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.

2. “Nonstandard Address” means, but is not limited to, residential addresses that do not include a complete address number and/or a street name; addresses that appear to be directions (such as “between mile markers x and y” or “the second house on the left”); addresses that include a complete address number and street name or otherwise resemble a standard address, but are not listed in nontribal governmental databases; and other addresses that lack address coordinators or are not typically geocoded.

3. “You,” “your,” and “Attorney General” means Defendant Kris Mayes in her official capacity as Arizona Attorney General, and includes any predecessors and successors to the Arizona Attorney General’s Office; any past and present employees, staff, agents, assigns, and representatives of the Arizona Attorney General’s Office; and any other persons or entities that, at any time, acted on behalf or for the benefit of the Arizona Attorney General’s Office.

INSTRUCTIONS

You are to follow the instructions set forth below in responding to these Interrogatories.

1. Pursuant to Federal Rule of Civil Procedure 33(b)(4), if you object to any part of an Interrogatory, set forth the basis of your objection and respond to all parts of the interrogatory to which you do not object. Any ground not stated in a timely objection is waived.

2. Where you, in good faith, doubt the meaning or intended scope of an Interrogatory, before objecting to the Interrogatory based on its vagueness, overbreadth, or ambiguity, contact Plaintiffs' counsel in advance of asserting an objection. Plaintiffs' counsel will provide whatever additional clarification or explanation may be needed. If you still believe the Interrogatory to be vague, overbroad, or ambiguous, set forth in your response what you find to be vague, overbroad, or ambiguous and the construction you used in responding.

3. If any objection is raised to these Interrogatories on the basis of an assertion of privilege, you shall provide both a description of the basis of the privilege and all information necessary for Plaintiff to assess the claim of privilege.

4. If, after a reasonable inquiry, you do not know the answer to any Interrogatory, or if there are limitations to your knowledge about the answer to any Interrogatory, provide whatever answer you can including the limitations to your knowledge. If there are other people or entities that you believe may know the answer to any Interrogatory or may be able to provide additional information in response to any Interrogatory, identify those people or entities in your response.

5. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to promptly supplement or correct your responses to these Interrogatories if you learn that a response is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response. Supplementary answers are to be served upon Plaintiffs' counsel as soon as

practicable after you receive this new information, but, in any event, no later than 14 days after its receipt.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all state interests that you believe are furthered by the Challenged Laws and all evidence that either supports or undermines the contention that the Challenged Laws further those interests, including any evidence of voter fraud committed by non-citizens or non-residents in Arizona since January 1, 2016. Your answer should specify which alleged state interest(s) support each challenged provision of the Challenged Laws and the connection between the alleged state interests and challenged provisions. Your answer should also identify by name any witnesses who have or are likely to have knowledge or information related to the importance of the state interests identified in this answer and how the Challenged Laws are likely to interact with those interests.

INTERROGATORY NO. 2:

Identify all provisions of the Challenged Laws that you intend to implement or enforce and describe such implementation or enforcement, including the timing of when you plan to implement and enforce the Challenged Laws and how you plan to enforce them, and whether such plans involve any “possible investigation” under A.R.S. § 16-165(A)(10) and what such investigations will entail. Your answer should identify by name any witnesses who have or are likely to have knowledge or information about any plans for implementation or any mechanisms by which the Challenged Laws will or are likely to be implemented.

INTERROGATORY NO. 3:

Identify each instance in which the State or any of its political subdivisions has established that a non-U.S. citizen has registered to vote or cast a ballot in Arizona since January 1, 2016, including any supporting evidence thereof. Your answer should identify by name any witnesses who have or are likely to have knowledge or information related to non-U.S. citizens registering to vote in Arizona or evidence thereof.

INTERROGATORY NO. 5:

Identify every type of document a person who resides in a location with only a Nonstandard Address can use to prove the location of their residence under A.R.S. § 16-123, including a description of all the elements each document must contain to satisfy the proof of location of residence requirement and an explanation of the basis of Your belief that persons who reside in locations with only Nonstandard Addresses have such documents available to them. Your answer should identify by name any witnesses who have or are likely to have knowledge or information about the availability of satisfactory documents for persons residing in locations with only Nonstandard Addresses.

INTERROGATORY NO. 6:

Identify all databases or other sources of citizenship information that are accessible to You or that you anticipate will become accessible to you, and which of those are practicable to use in the ways required by the Challenged Laws. Your answer should identify by name any witnesses who have or are likely to have knowledge or information related to the identified databases.

/s/ Christopher Dodge (with permission)

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/s/ Christopher Dodge (with permission)

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Keanu Stevens, Alanna Siquieros, and LaDonna Jacket*

** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT KRIS MAYES, IN HER OFFICIAL CAPACITY AS ARIZONA ATTORNEY GENERAL** on counsel of record for all parties by email.

Dated: May 12, 2023

/s/ Daniel Arellano

Daniel Arellano

Exhibit B

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF ARIZONA**

5
6 Mi Familia Vota, et al.,
7 Plaintiffs,

8 v.

9 Adrian Fontes, in his official capacity as
10 Arizona Secretary of State, et al.,
11 Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS’
FIRST SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT
ADRIAN FONTES, IN HIS
OFFICIAL CAPACITY AS
ARIZONA SECRETARY OF STATE**

12
13 AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

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20 **PROPOUNDING PARTY:** Consolidated Plaintiffs

21 **RESPONDING PARTY:** Defendant Adrian Fontes, in his official capacity as
22 Arizona Secretary of State

23 **SET NUMBER:** ONE (1)¹
24
25

26
27 ¹ Plaintiff Arizona Asian American Native Hawaiian And Pacific Islander For Equity
28 Coalition served its First Request for Production of Documents on the Arizona Secretary
of State General on December 12, 2022. This is the First Set of Requests for Production to
the Arizona Secretary of State served jointly by all consolidated Plaintiffs.

Pursuant to Federal Rules of Civil Procedure 26 and 34, consolidated Plaintiffs, by and through counsel, serve the following requests for production upon Defendant Adrian Fontes, in his official capacity as Arizona Secretary of State (“Defendant”).

Responses to these requests must be produced within thirty (30) days after service in accordance with Rule 34. As agreed among the parties, all discovery responses and documents shall be produced to all counsel of record. Each request for production is subject to the Definitions and Instructions set forth below.

DEFINITIONS

Except as specifically defined below, the terms used in these requests shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. “Any” or “all” means “any and all.”
2. “Challenged Laws” means Arizona House Bill 2492 signed into law by the Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.
3. “H.B. 2492” refers to the Arizona House Bill 2492 signed into law by the Governor on March 30, 2022 as alleged in the Complaint, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.
4. “H.B. 2243” refers to the Arizona House Bill 2243 signed into law by the Governor on July 6, 2022 as alleged in the Complaint, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.
5. “Communication” means any transfer of information of any type, whether written, oral, electronic, or otherwise, and includes transfers of information via email, report, letter, text message, voicemail message, written memorandum, written notice, note, summary, and other means. It includes communications entirely internal to the Arizona

1 Secretary of State's Office, as well as communications that include or are with entities and
2 individuals outside of the Arizona Secretary of State's Office.

3 6. "Document" is synonymous in meaning and scope to the term "document"
4 as used under Federal Rule of Civil Procedure 34 and "writings" and "recordings" as
5 defined in Federal Rules of Evidence 1001, and it includes, but is not limited to, records,
6 reports, lists, data, statistics, summaries, analyses, communications (as defined above), any
7 computer discs, tapes, printouts, emails, databases, and any handwritten, typewritten,
8 printed, electronically recorded, taped, graphic, machine-readable, or other material, of
9 whatever nature and in whatever form, including all non-identical copies and drafts thereof,
10 and all copies bearing any notation or mark not found on the original.

11 7. "Including" means "including but not limited to."

12 8. "Nonstandard Address" means, but is not limited to, residential addresses
13 that do not include a complete address number and/or a street name; addresses that appear
14 to be directions (such as "between mile markers x and y" or "the second house on the left");
15 addresses that include a complete address number and street name or otherwise resemble a
16 standard address, but are not listed in nontribal governmental databases; and other
17 addresses that lack address coordinators or are not typically geocoded

18 9. "Person" means not only natural persons, but also firms, partnerships,
19 associations, corporations, subsidiaries, divisions, departments, joint ventures,
20 proprietorships, syndicates, trust groups, and organizations; federal, state, or local
21 governments or government agencies, offices, bureaus, departments, or entities; other
22 legal, business, or government entities; and all subsidiaries, affiliates, divisions,
23 departments, branches, and other units thereof or any combination thereof.

24 10. "Racially Polarized Voting" means "the existence of a correlation between
25 the race of voters and the selection of certain candidates," *Thornburg v. Gingles*, 478 U.S.
26 30 (1986).

1 11. “Registered Voter” means a person who has been added to the official list of
2 the eligible voters for any election held in Arizona, including all state, federal, and local
3 elections.

4 12. “Voter Registration Applicant” means a person who has submitted an
5 application to register to vote in Arizona, whether or not the application is deemed
6 complete.

7 13. “Voter Registration Information” means all Documents derived from a
8 person’s voter registration application and any other information maintained regarding the
9 applicant, voter, or canceled voter, including the first name, middle name, last name, suffix,
10 gender, complete registration address, birthdate, national origin, race, state-assigned voter
11 ID number, type of identification, documentation and/or identification number submitted,
12 date of registration application, date of registration (if any), voter registration status (e.g.,
13 denied, suspended, pending, registered, and including whether the person is a Federal-only,
14 Congress-only, or other status voter), and voter status (active, inactive, canceled, etc.)

15 14. “Voter Registration History” includes the following Communications,
16 Documents, and information for each voter or Voter Registration Applicant:

17 a. All Communications, records, or database entries (whether entered manually or
18 automatically generated) regarding the processing history, including the receipt,
19 acceptance, or denial of applications; review of supporting documents submitted
20 with the application; missing documents or records; additional documents
21 submitted; and reasons or acceptance, denial, or other actions;

22 b. Fields or other records that show what type of document or type of document
23 number was submitted with the application, specifically including a passport or
24 birth certificate, driver’s license number, as well as other items;

25 c. Data related to any correspondence that was sent to the applicant;

26 d. Data related to any correspondence that was received from the applicant; and

27 e. Fields that correspond to the Application, Status Reason, DL # Response Code
28

1 Report, SSN Response Code Report, or any electronic records showing or
2 reflecting the comparison of voter information with any database or system.

3 15. “Relating to,” “regarding,” or “concurring” and their cognates are to be
4 understood in their broadest sense and shall be construed to include pertaining to,
5 commenting on, memorializing, reflecting, recording, setting forth, describing, evidencing,
6 or constituting.

7 16. “You,” “your,” and “Secretary of State” means Defendant Adrian Fontes in
8 his official capacity as Arizona Secretary of State, and includes any predecessors and
9 successors to the Arizona Secretary of State’s Office; any past and present employees, staff,
10 agents, assigns, and representatives of the Arizona Secretary of State’s Office; and any
11 other persons or entities that, at any time, acted on behalf or for the benefit of the Arizona
12 Secretary of State’s Office.

13 **INSTRUCTIONS**

14 You are to follow the instructions set forth below in responding to these requests.

15 1. You shall produce materials and serve responses and any objections on
16 Plaintiffs’ counsel within 30 days after service of these requests for production.

17 2. Pursuant to Federal Rule of Civil Procedure 34(b)(2)(B) and (C), if you
18 object to any part of a request, set forth the basis for your objection and respond to all parts
19 of the request to which you do not object. All objections must be noted with specificity.
20 Any ground not stated in a timely objection is waived.

21 3. If, in responding to these requests, you encounter any ambiguities when
22 construing a request or definition, set forth in your response what you find to be vague,
23 overbroad, or ambiguous and the construction you used in responding. Where you, in good
24 faith, doubt the meaning or intended scope of a request, and the sole objection would be to
25 its vagueness, overbreadth, or ambiguity, please contact Plaintiffs’ counsel for clarification
26 in advance of asserting an objection.

1 4. With respect to any document withheld on a claim of privilege or work
2 product protection, provide a written privilege log identifying each document individually
3 and containing all information required by Federal Rule of Civil Procedure 26(b)(5),
4 including a description of the basis of the claimed privilege and all information necessary
5 for Plaintiffs to assess the claim of privilege.

6 5. In accordance with the Federal Rules of Civil Procedure, the scope of
7 discovery sought through these requests for production extends to all relevant and non-
8 privileged materials that might reasonably lead to the discovery of admissible evidence.
9 You should produce all documents available to you or subject to your access or control that
10 are responsive to the following requests for production. This includes documents in your
11 actual or constructive possession or control, as well as any non-privileged information in
12 the actual or constructive possession or control of your attorneys, investigators, experts,
13 agents, and any other persons acting on your behalf.

14 6. Documents are to be produced as they are kept in the ordinary course of
15 business. Accordingly, documents should be produced in their entirety, without
16 abbreviation, redaction, or expurgation; file folders with tabs or labels identifying
17 documents responsive to this request should be produced intact with the documents; and
18 documents attached to each other should not be separated.

19 7. Subject to any Electronically Stored Information (“ESI”) order subsequently
20 entered in this case, all documents are to be produced in electronic form pursuant to these
21 instructions. All documents, including emails, should be produced in single page TIFF
22 format, showing comments and track changes where applicable, with text extract and
23 database load files containing standard fielded information and metadata. TIFF images
24 shall be placed in an Images folder with any given subfolder not to exceed 5,000 images
25 per folder and accompanied by an .opt placed in a Data folder. Each page of a document
26 should be assigned a unique production number (aka Bates number) electronically
27 “burned” onto the image at a location that does not unreasonably conceal or interfere with
28

1 information on the document. The number should be consistent across the production,
2 contain no special characters, and be numerically sequential within a given document.
3 Attachments to documents should be assigned numbers that directly follow in sequential
4 order the Bates numbers on the documents to which they were attached. If a number or set
5 of numbers is skipped, the skipped number or set of numbers should be noted, for example
6 with a placeholder.

7 8. If there are no documents responsive to a particular request, so indicate in
8 your response. Similarly, to the extent that you do not have any means of recording the
9 information requested herein, please so indicate in your responses to the specific
10 production request.

11 9. If any otherwise responsive document was, but is no longer, in existence or
12 in your possession, custody, or control, identify the type of information contained in the
13 document, its current or last known custodian, the location/address of such document, and
14 the identity of all persons having knowledge or who had knowledge of the document, as
15 well as describe in full the circumstances surrounding its destruction, loss, or other
16 disposition from your possession or control.

17 10. These requests for production are continuing in nature, up to and during trial.
18 Materials sought by these requests for production that become available after you serve
19 your responses must be disclosed to counsel for Plaintiffs by supplementary response or
20 responses.

21 11. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to
22 promptly supplement or correct your responses to these requests for production if you learn
23 that an answer is in some material respect incomplete or incorrect. If you expect to obtain
24 further information or expect the accuracy of a response given to change between the time
25 responses are served and the time of trial, you should state this fact in each response.
26 Supplementary answers are to be served upon Plaintiffs' counsel as soon as practicable
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1 after you receive this new information, but, in any event, no later than 14 days after its
2 receipt.

3 12. If you contend that it would be unreasonably burdensome to obtain and
4 provide all of the documents called for in response to any document request or any
5 subsection thereof, then in response to the appropriate document request: (a) produce all
6 such documents as are available to you without undertaking what you contend to be an
7 unreasonably burdensome effort; (b) describe with particularity the efforts made by you or
8 on your behalf to produce such documents, including identification of persons consulted,
9 description of files, records and documents reviewed, and identification of each person
10 who participated in the gathering of such documents, with specification of the amount of
11 time spent and the nature of work done by such person; and (c) state with particularity the
12 grounds upon which you contend the additional efforts to produce such documents would
13 be unreasonably burdensome.

14 13. The past-tense forms of verbs in these requests include their present-tense
15 forms, and vice versa.

16 14. The singular form of a noun or pronoun includes the plural form, and the
17 plural form indicates the singular.

18 15. The connectives “and” and “or” shall be construed either disjunctively or
19 conjunctively as necessary to bring within the scope of a document production topic all
20 responses that otherwise might be construed to be outside its scope.

21 16. A reference to an entity, agency, department, or board in this request shall be
22 construed to include its officers, directors, partners, members, managers, employees,
23 representatives, agents, consultants, or anyone acting on its behalf.

24 **REQUESTS FOR PRODUCTION**

25 **REQUEST FOR PRODUCTION NO. 1:**

26 All Documents and Communications, including but not limited to any writings,
27 memoranda, presentations, correspondence (including internal communications), policies,
28

1 procedures, guidelines, and reports (draft and final versions) related to Nonstandard
2 Addresses, including any document concerning how the State of Arizona or any Arizona
3 County has implemented voter registration and list maintenance programs that account for
4 voters with Nonstandard Addresses, any assistance to a Tribe or an enrolled Tribal member,
5 rural, or other resident of the State who uses a Nonstandard Address with voter registration,
6 precinct assignment, and/or assigning or identifying a standard residential street address
7 for a home(s), and the ability of voters to submit a description and/or graphic depiction of
8 their location of residence, using either the state or federal voter registration form.

9 **REQUEST FOR PRODUCTION NO. 2:**

10 All Documents and Communications from January 1, 2016, to the present
11 concerning the Elections Procedures Manual, as well as implementation and enforcement
12 of the consent decree reached in *LULAC v. Reagan*, No. 2:17-cv-04102-DGC.

13 **REQUEST FOR PRODUCTION NO. 3:**

14 All Documents and Communications concerning voter registration applications
15 submitted since January 1, 2020, for applicants who have used the option in the State Form
16 to “describe [the] location [of their residence] using mileage, cross streets, parcel #,
17 subdivision name/lot, or landmarks” and to “[d]raw a map and/or provide
18 latitude/longitude or geocode in Box 23 if located in a rural area without a traditional street
19 address” or the option in the Federal Form, to “show where [they] live” using the map in
20 Box C. This request includes documents related to applicants who have been successfully
21 registered and who have been denied voter registration or removed from the voter rolls.
22 This request also includes related Secretary correspondence, corresponding County or
23 voter responses, and any notes generated or maintained by the Secretary’s office regarding
24 moving a voter to inactive status or cancelling a registration.

25 **REQUEST FOR PRODUCTION NO. 4:**

26 All Documents and Communications from January 1, 2017, to the present relating
27 to the use of birthplace and citizenship attestation checkbox on the State Form, including
28

1 but not limited to whether voter registration applicants were required to provide birthplace
2 or complete the citizenship attestation checkbox to be registered to vote, whether voter
3 registration applicants actually did provide such information, how frequently voter
4 registration applicants actually did provide a correct or incorrect birthplace, fail to provide
5 a birthplace, complete or fail to complete the citizenship attestation checkbox, or make
6 errors in completing the citizenship attestation checkbox, and whether voter applications
7 were rejected for failing to provide this information and/or the number of voter applicants
8 who timely cured their applications for these errors or omissions pertaining to birthplace
9 and/or the citizenship attestation checkbox.

10 **REQUEST FOR PRODUCTION NO. 5:**

11 All Documents and Communications from January 1, 2016, to the present regarding
12 misconduct, fraud, election security, or a lack of voter confidence in election integrity
13 related to citizenship, voters' residences, or proof of citizenship or residential addresses in
14 voter registration.

15 **REQUEST FOR PRODUCTION NO. 6:**

16 All Documents and Communications from January 1, 2016, to the present
17 concerning inequity (whether it be actual, potential, alleged, or perceived inequity) in
18 access to voter registration and voting and provision of voting resources among racial,
19 ethnic, national origin, or language minority communities; Racially Polarized Voting; and
20 Arizona's history of voting-related discrimination.

21 **REQUEST FOR PRODUCTION NO. 7:**

22 All Documents and Communications from January 1, 2016, to the present related to
23 voter registration forms the Secretary provides to each public assistance agency that,
24 pursuant to the NVRA, provides voter registration assistance, the Secretary's guidance to
25 public assistance agencies about the use of such forms, and the Secretary's guidance to
26 election officials about how to process such forms. Your response should include samples
27 of the forms promulgated for each public assistance agency.
28

REQUEST FOR PRODUCTION NO. 8:

Any and all Documents and Communications, including but not limited to those containing individual and aggregate data and Voter Registration Information and History, relating to Voter Registration Applicants and Registered Voters who were denied, challenged, removed, cancelled, and/or placed on Congressional-only or federal-only status due to either (1) missing, inaccurate, non-matching, unverified, unverifiable, or otherwise defective DPOC or (2) the results of a database search required by HB 2492 or HB 2243, as well as: the reasons notices were sent to Voter Registration Applicants or Registered Voters pursuant to HB 2492 and HB 2243; any draft and actual notices sent to Voter Registration Applicants or Registered Voters pursuant to HB 2492 and HB 2243; any responses and/or submissions—or lack thereof—in response to these notices; the sufficiency of any responses and/or submissions to these notices; the final dispositions; and the reasons for the denial, challenge, removal or cancellation of voter registration and/or placement on Congressional-only or federal-only status, from January 1, 2022 onward.

REQUEST FOR PRODUCTION NO. 9:

All Documents referenced in, or relied upon in formulating, your responses to all interrogatories in this matter.

/s/ Christopher D. Dodge

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*** Admitted in Arizona, D.C. and Nevada.*

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT ADRIAN FONTES, IN HIS OFFICIAL CAPACITY AS ARIZONA SECRETARY OF STATE** on counsel of record for all parties by email.

Dated: May 17, 2023

/s/Amit Makker

Amit Makker

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS'
FIRST SET OF
INTERROGATORIES TO
DEFENDANT ADRIAN FONTES, IN
HIS OFFICIAL CAPACITY AS
ARIZONA SECRETARY OF STATE**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

PROPOUNDING PARTY: Consolidated Plaintiffs

RESPONDING PARTY: Defendant Adrian Fontes, in his official capacity as
Arizona Secretary of State

SET NUMBER: ONE (1)

1 Pursuant to Federal Rules of Civil Procedure 26 and 33, consolidated Plaintiffs, by
2 and through counsel, serve the following Interrogatories upon Defendant Adrian Fontes, in
3 his official capacity as Arizona Secretary of State (“Defendant”).

4 Responses to these Interrogatories must be produced within thirty (30) days after
5 service in accordance with Rule 33. As agreed among the parties, all discovery responses
6 shall be produced to all counsel of record. Each Interrogatory is subject to the Definitions
7 and Instructions set forth below.

8 DEFINITIONS

9 Except as specifically defined below, the terms used in these Interrogatories shall
10 be construed and defined in accordance with the Federal Rules of Civil Procedure,
11 wherever applicable. Any terms not defined shall be given their ordinary meaning.

12 1. “Challenged Laws” means Arizona House Bill 2492 signed into law by the
13 Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth
14 Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law
15 by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth
16 Legislature Second Regular Session 2022.

17 2. “H.B. 2492” refers to the Arizona House Bill 2492 signed into law by the
18 Governor on March 30, 2022 as alleged in the Complaint, Chapter 99 to Session Laws
19 from the Fifty-fifth Legislature Second Regular Session 2022.

20 3. “H.B. 2243” refers to the Arizona House Bill 2243 signed into law by the
21 Governor on July 6, 2022 as alleged in the Complaint, Chapter 370 to Session Laws from
22 the Fifty-fifth Legislature Second Regular Session 2022.

23 4. “Document” has the meaning prescribed in the Federal Rules of Civil
24 Procedure, including but not limited to Rules 26 and 34. The term “Document” shall be
25 interpreted in the broadest sense possible and includes Documents in any form, including
26 by way of example and without limitation, originals and copies of letters, memoranda,
27 notes, records, minutes, reports, notebooks, messages, emails, telegrams, ledgers, legal
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1 instruments, legal opinions to the extent that they are not protected by the attorney client
2 privilege or attorney work product doctrines, agreements, manuals, procedures, graphs,
3 rough drafts, secretarial notes, work pads, films or videos, photographs, computer disks
4 and other electronic media, books, publications, advertisements, literature, brochures,
5 announcements, press releases, and includes without limitation all tangible things which
6 come within the meaning of the terms “writings and recordings” used in Federal Rule of
7 Evidence 1001 and all electronically stored information, and includes data and data files,
8 and underlying data or data files, whether in raw or processed form. A draft or nonidentical
9 copy is a separate document within the meaning of this term. The term “Document” also
10 includes the term “Thing” construed under the broadest possible construction under the
11 Federal Rules of Civil Procedure.

12 5. “Nonstandard Address” means, but is not limited to, residential addresses
13 that do not include a complete address number and/or a street name; addresses that appear
14 to be directions (such as “between mile markers x and y” or “the second house on the left”);
15 addresses that include a complete address number and street name or otherwise resemble a
16 standard address, but are not listed in nontribal governmental databases; and other
17 addresses that lack address coordinators or are not typically geocoded.

18 6. “You,” “your,” and “Secretary of State” means Defendant Adrian Fontes in
19 his official capacity as Arizona Secretary of State, and includes any predecessors and
20 successors to the Arizona Secretary of State’s Office; any past and present employees, staff,
21 agents, assigns, and representatives of the Arizona Secretary of State’s Office; and any
22 other persons or entities that, at any time, acted on behalf or for the benefit of the Arizona
23 Secretary of State’s Office.

24 INSTRUCTIONS

25 You are to follow the instructions set forth below in responding to these
26 Interrogatories.
27
28

1 1. Pursuant to Federal Rule of Civil Procedure 33(b)(4), if you object to any
2 part of an Interrogatory, set forth the basis of your objection and respond to all parts of the
3 interrogatory to which you do not object. Any ground not stated in a timely objection is
4 waived.

5 2. Where you, in good faith, doubt the meaning or intended scope of an
6 Interrogatory, before objecting to the Interrogatory based on its vagueness, overbreadth, or
7 ambiguity, contact Plaintiffs' counsel in advance of asserting an objection. Plaintiffs'
8 counsel will provide whatever additional clarification or explanation may be needed. If you
9 still believe the Interrogatory to be vague, overbroad, or ambiguous, set forth in your
10 response what you find to be vague, overbroad, or ambiguous and the construction you
11 used in responding.

12 3. If any objection is raised to these Interrogatories on the basis of an assertion
13 of privilege, you shall provide both a description of the basis of the privilege and all
14 information necessary for Plaintiff to assess the claim of privilege.

15 4. If you do not know the answer to any Interrogatory, or if there are limitations
16 to your knowledge about the answer to any Interrogatory, provide whatever answer you
17 can including the limitations to your knowledge. If there are other people or entities that
18 you believe may know the answer to any Interrogatory or may be able to provide additional
19 information in response to any Interrogatory, identify those people or entities in your
20 response.

21 5. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to
22 promptly supplement or correct your responses to these Interrogatories if you learn that a
23 response is in some material respect incomplete or incorrect. If you expect to obtain further
24 information or expect the accuracy of a response given to change between the time
25 responses are served and the time of trial, you are requested to state this fact in each
26 response. Supplementary answers are to be served upon Plaintiffs' counsel as soon as
27
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1 practicable after you receive this new information, but, in any event, no later than 14 days
2 after its receipt.

3 INTERROGATORIES

4 **INTERROGATORY NO. 1:**

5 Please identify all databases or other sources of citizenship information that are
6 accessible to You or that you anticipate will become accessible to You, and which of those
7 are practicable to use in the ways required by the Challenged Laws. Your answer should
8 identify by name any witnesses who have or are likely to have knowledge or information
9 related to the identified databases.

10 **INTERROGATORY NO. 2:**

11 Identify every type of Document a person who resides in a location with only a
12 Nonstandard Address can use to prove the location of their residence under A.R.S. § 16-
13 123, including a description of all the elements each document must contain to satisfy the
14 proof of location of residence requirement and an explanation of the basis of Your belief
15 that persons who reside in locations with only Nonstandard Addresses have such
16 documents available to them. Your answer should identify by name any witnesses who
17 have or are likely to have knowledge or information about the availability of satisfactory
18 documents for persons residing in locations with only Nonstandard Addresses.

19 **INTERROGATORY NO. 3:**

20 Identify all laws, rules, and methods for preventing voting fraud in Arizona prior to
21 the enactment of the challenged laws, including (but not limited to) laws, rules, and
22 methods for preventing noncitizens from voting, and describe the process for investigating
23 and prosecuting allegations of voter fraud.

24 **INTERROGATORY NO. 4:**

25 Identify all sources of citizenship information that the Challenged Laws require
26 election officials to use and describe what makes such sources “potentially outdated and
27
28

1 unreliable,” “faulty,” or “not accurately reflect current U.S. citizenship status.” (See SOS’s
2 Answers to LUCHA’s FAC ¶¶ 100, 102.)

3 **INTERROGATORY NO. 6:**

4 Identify any evidence of (including the names of any individuals who have or are
5 likely to have knowledge, information, or evidence of) voter fraud committed by non-
6 citizens or non-residents in Arizona from January 1, 2016 to present, and describe how
7 each incident of such voter fraud was discovered or what evidence You have that such
8 fraud has occurred but was not discovered.

9 **INTERROGATORY NO. 7:**

10 Identify and describe the actions You take to facilitate compliance by public
11 assistance agencies, as defined by the NVRA, with the NVRA’s requirements that those
12 agencies provide voter registration services, including but not limited to your promulgation
13 and distribution of forms marked with a specific code for each agency, your guidance to
14 public assistance agencies, and your guidance to election officials processing voter
15 registration forms from public assistance agencies. Your answer should identify by name
16 any witnesses who have or are likely to have knowledge or information about the
17 Secretary’s role in facilitating public assistance agency compliance with the NVRA.

18 **INTERROGATORY NO. 8:**

19 Identify all laws, procedures, policies, and practices regarding how an in-person
20 voter’s citizenship is verified at the time that the voter casts a ballot versus how citizenship
21 is determined upon receipt of a valid and complete mail ballot in the same election.

22 **INTERROGATORY NO. 9:**

23 Identify and describe how the Arizona State Registration Form’s citizenship
24 attestation checkbox and birthplace information will be used under HB 2492 to determine
25 the voter’s qualification and how this process differs from pre-HB 2492 processes,
26 including references to relevant laws, policies, procedures, and practices.

/s/ Christopher D. Dodge

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***Admitted in Arizona, D.C. and Nevada.*

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT ADRIAN FONTES, IN HIS OFFICIAL CAPACITY AS ARIZONA SECRETARY OF STATE** on counsel of record for all parties by email.

Dated: May 17, 2023

/s/ Amit Makker

Amit Makker

Exhibit C

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS'
FIRST SET OF REQUESTS FOR
PRODUCTION TO THE
DEFENDANT COUNTY
RECORDERS, IN THEIR OFFICIAL
CAPACITIES**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

PROPOUNDING PARTY: Consolidated Plaintiffs

RESPONDING PARTY: Defendants Apache County Recorder Larry Noble;
Cochise County Recorder David W. Stevens;
Coconino County Recorder Patty Hansen;
Gila County Recorder Sadie Jo Bingham;
Graham County Recorder Polly Merriman;
Greenlee County Recorder Sharie Milheiro;
La Paz County Recorder Richard Garcia;
Maricopa County Recorder Stephen Richer;
Mohave County Recorder Kristi Blair;

1 Navajo County Recorder Michael Sample;
2 Pima County Recorder Gabriella Cázares-Kelly;
3 Pinal County Recorder Dana Lewis;
4 Santa Cruz County Recorder Anita Moreno;
5 Yavapai County Recorder Michelle M. Burchill; and
6 Yuma County Recorder Richard Colwell, in their
7 official capacities

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26 **SET NUMBER:** ONE (1)¹
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¹ Plaintiff Arizona Asian American Native Hawaiian And Pacific Islander For Equity Coalition served its First Request for Production of Documents on the County Recorders on December 12, 2022. This is the First Set of Requests for Production to the County Recorders served jointly by all consolidated Plaintiffs.

Pursuant to Federal Rules of Civil Procedure 26 and 34, consolidated Plaintiffs, by and through counsel, serve the following requests for production upon Defendants Defendants Apache County Recorder Larry Noble; Cochise County Recorder David W. Stevens; Coconino County Recorder Patty Hansen; Gila County Recorder Sadie Jo Bingham; Graham County Recorder Polly Merriman; Greenlee County Recorder Sharie Milheiro; La Paz County Recorder Richard Garcia; Maricopa County Recorder Stephen Richer; Mohave County Recorder Kristi Blair; Navajo County Recorder Michael Sample; Pima County Recorder Gabriella Cázares-Kelly; Pinal County Recorder Dana Lewis; Santa Cruz County Recorder Anita Moreno; Yavapai County Recorder Michelle M. Burchill; and Yuma County Recorder Richard Colwell, in their official capacities (“Defendants” or “County Recorders”).

Responses to these requests must be produced within thirty (30) days after service in accordance with Rule 34. As agreed among the parties, all discovery responses and documents shall be produced to all counsel of record. Each request for production is subject to the Definitions and Instructions set forth below.

DEFINITIONS

Except as specifically defined below, the terms used in these requests shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. “Any” or “all” means “any and all.”
2. “Challenged Laws” means Arizona House Bill 2492 signed into law by the Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.
3. “Citizenship Checkbox” means the “yes” box next to the question regarding citizenship on a voter registration form, as described in A.R.S. § 16-121.01.
4. “Communication” means any transfer of information of any type, whether written, oral, electronic, or otherwise, and includes transfers of information via email,

1 report, letter, text message, voicemail message, written memorandum, note, summary, and
2 other means. It includes communications entirely internal to the County Recorder's office,
3 as well as communications that include or are with entities and individuals outside of the
4 County Recorder's office.

5 5. "Document" is synonymous in meaning and scope to the term "document"
6 as used under Federal Rule of Civil Procedure 34 and "writings" and "recordings" as
7 defined in Federal Rules of Evidence 1001, and it includes, but is not limited to, records,
8 reports, lists, data, statistics, summaries, analyses, communications (as defined above), any
9 computer discs, tapes, printouts, emails, databases, and any handwritten, typewritten,
10 printed, electronically recorded, taped, graphic, machine-readable, or other material, of
11 whatever nature and in whatever form, including all non-identical copies and drafts thereof,
12 and all copies bearing any notation or mark not found on the original.

13 6. "DPOC" means documentary proof of citizenship as required for voter
14 registration under the Challenged Laws.

15 7. "DPOR" means documentary proof of location of residence as required for
16 voter registration under the Challenged Laws.

17 8. "Federal Form" means the federal mail voter registration application form
18 developed by the U.S. Election Assistance Commission pursuant to the National Voter
19 Registration Act.

20 9. "Including" means "including but not limited to."

21 10. "Nonstandard Address" means, but is not limited to, residential addresses
22 that do not include a complete address number and/or a street name; addresses that appear
23 to be directions (such as "between mile markers x and y" or "the second house on the left");
24 addresses that include a complete address number and street name or otherwise resemble a
25 standard address, but are not listed in nontribal governmental databases; and other
26 addresses that lack address coordinators or are not typically geocoded.

27 11. "Person" means not only natural persons, but also firms, partnerships,
28 associations, corporations, subsidiaries, divisions, departments, joint ventures,
proprietorships, syndicates, trust groups, and organizations; federal, state, or local

1 governments or government agencies, offices, bureaus, departments, or entities; other
2 legal, business, or government entities; and all subsidiaries, affiliates, divisions,
3 departments, branches, and other units thereof or any combination thereof.

4 12. “Registered Voter” means a person who has been added to the official list of
5 eligible voters for any election held in Arizona, including those voters whose registration
6 is limited to “Federal Only” ballots.

7 13. “Relating to,” “regarding,” or “concurring” and their cognates are to be
8 understood in their broadest sense and shall be construed to include pertaining to,
9 commenting on, memorializing, reflecting, recording, setting forth, describing, evidencing,
10 or constituting.

11 14. “State Form” means any voter registration form prescribed by the Secretary
12 of State, as described in A.R.S. § 16-152.

13 15. “You,” “your,” “Defendants” and “County Recorders” means Defendants
14 Defendants Apache County Recorder Larry Noble; Cochise County Recorder David W.
15 Stevens; Coconino County Recorder Patty Hansen; Gila County Recorder Sadie Jo
16 Bingham; Graham County Recorder Polly Merriman; Greenlee County Recorder Sharie
17 Milheiro; La Paz County Recorder Richard Garcia; Maricopa County Recorder Stephen
18 Richer; Mohave County Recorder Kristi Blair; Navajo County Recorder Michael Sample;
19 Pima County Recorder Gabriella Cázares-Kelly; Pinal County Recorder Dana Lewis; Santa
20 Cruz County Recorder Anita Moreno; Yavapai County Recorder Michelle M. Burchill;
21 and Yuma County Recorder Richard Colwell, in their official capacities, and includes any
22 predecessors and successors to your offices; any past and present employees, staff, agents,
23 assigns, and representatives of your offices; and any other persons or entities that, at any
24 time, acted on behalf or for the benefit of your offices.

25 16. “Voter Registration Applicant” means a person who has submitted an
26 application to register to vote in Arizona, whether or not the application is deemed
27 complete.

28 17. “Voter Registration Information” means all Documents derived from a
person’s voter registration application and any other information maintained regarding the

1 applicant, voter, or canceled voter, including all identifying information, voter registration
 2 status and history, voting history, gender, sex, race and/or national origin information, and
 3 all data maintained within the statewide voter file as well as any local database maintained
 4 by Your office.

5 18. “Voter Registration History” includes the following Communications,
 6 Documents, and information for each voter:

- 7 a. All Communications, records, or database entries (whether entered manually or
 8 automatically generated) regarding the processing history, including the receipt,
 9 acceptance, or denial of applications; review of supporting documents submitted
 10 with the application; missing documents or records; additional documents
 11 submitted; and reasons for acceptance, denial, or other actions;
- 12 b. Fields or other records that show what type of document or type of document
 13 number was submitted with the application, specifically including a passport or birth
 14 certificate, driver’s license number, as well as other items;
- 15 c. Data related to any correspondence that was sent to the applicant;
- 16 d. Data related to any correspondence that was received from the applicant; and
- 17 e. Fields that correspond to the Application, Status Reason, DL # Response Code
 18 Report, SSN Response Code Report, or any electronic records showing or reflecting
 19 the comparison of voter information with any database or system.

20 INSTRUCTIONS

21 You are to follow the instructions set forth below in responding to these requests.

22 1. You shall produce materials and serve responses and any objections on
 23 Plaintiffs’ counsel within 30 days after service of these requests for production.

24 2. Pursuant to Federal Rule of Civil Procedure 34(b)(2)(B) and (C), if you
 25 object to any part of a request, set forth the basis for your objection and respond to all parts
 26 of the request to which you do not object. All objections must be noted with specificity.
 27 Any ground not stated in a timely objection is waived.

1 3. If, in responding to these requests, you encounter any ambiguities when
2 construing a request or definition, set forth in your response what you find to be vague,
3 overbroad, or ambiguous and the construction you used in responding. Where you, in good
4 faith, doubt the meaning or intended scope of a request, and the sole objection would be to
5 its vagueness, overbreadth, or ambiguity, please contact Plaintiffs' counsel for clarification
6 in advance of asserting an objection.

7 4. With respect to any document withheld on a claim of privilege or work
8 product protection, provide a written privilege log identifying each document individually
9 and containing all information required by Federal Rule of Civil Procedure 26(b)(5),
10 including a description of the basis of the claimed privilege and all information necessary
11 for Plaintiffs to assess the claim of privilege.

12 5. In accordance with the Federal Rules of Civil Procedure, the scope of
13 discovery sought through these requests for production extends to all relevant and non-
14 privileged materials that might reasonably lead to the discovery of admissible evidence.
15 You should produce all documents available to you or subject to your access or control that
16 are responsive to the following requests for production. This includes documents in your
17 actual or constructive possession or control, as well as any non-privileged information in
18 the actual or constructive possession or control of your attorneys, investigators, experts,
19 agents, and any other persons acting on your behalf.

20 6. Documents are to be produced as they are kept in the ordinary course of
21 business. Accordingly, documents should be produced in their entirety, without
22 abbreviation, redaction, or expurgation; file folders with tabs or labels identifying
23 documents responsive to this request should be produced intact with the documents; and
24 documents attached to each other should not be separated.

25 7. Subject to any Electronically Stored Information ("ESI") order subsequently
26 entered in this case, all documents are to be produced in electronic form pursuant to these
27 instructions. All documents, including emails, should be produced in single page TIFF
28 format, showing comments and track changes where applicable, with text extract and
 database load files containing standard fielded information and metadata. TIFF images

1 shall be placed in an Images folder with any given subfolder not to exceed 5,000 images
2 per folder and accompanied by an .opt placed in a Data folder. Each page of a document
3 should be assigned a unique production number (aka Bates number) electronically
4 “burned” onto the image at a location that does not unreasonably conceal or interfere with
5 information on the document. The number should be consistent across the production,
6 contain no special characters, and be numerically sequential within a given document.
7 Attachments to documents should be assigned numbers that directly follow in sequential
8 order the Bates numbers on the documents to which they were attached. If a number or set
9 of numbers is skipped, the skipped number or set of numbers should be noted, for example
10 with a placeholder.

11 8. If there are no documents responsive to a particular request, so indicate in
12 your response. Similarly, to the extent that you do not have any means of recording the
13 information requested herein, please so indicate in your responses to the specific
14 production request.

15 9. If any otherwise responsive document was, but is no longer, in existence or
16 in your possession, custody, or control, identify the type of information contained in the
17 document, its current or last known custodian, the location/address of such document, and
18 the identity of all persons having knowledge or who had knowledge of the document, as
19 well as describe in full the circumstances surrounding its destruction, loss, or other
20 disposition from your possession or control.

21 10. These requests for production are continuing in nature, up to and during trial.
22 Materials sought by these requests for production that become available after you serve
23 your responses must be disclosed to counsel for Plaintiffs by supplementary response or
24 responses.

25 11. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to
26 promptly supplement or correct your responses to these requests for production if you learn
27 that an answer is in some material respect incomplete or incorrect. If you expect to obtain
28 further information or expect the accuracy of a response given to change between the time
responses are served and the time of trial, you should state this fact in each response.

1 Supplementary answers are to be served upon Plaintiffs' counsel as soon as practicable
2 after you receive this new information, but, in any event, no later than 14 days after its
3 receipt.

4 12. If you contend that it would be unreasonably burdensome to obtain and
5 provide all of the documents called for in response to any document request or any
6 subsection thereof, then in response to the appropriate document request: (a) produce all
7 such documents as are available to you without undertaking what you contend to be an
8 unreasonably burdensome effort; (b) describe with particularity the efforts made by you or
9 on your behalf to produce such documents, including identification of persons consulted,
10 description of files, records and documents reviewed, and identification of each person
11 who participated in the gathering of such documents, with specification of the amount of
12 time spent and the nature of work done by such person; and (c) state with particularity the
13 grounds upon which you contend the additional efforts to produce such documents would
14 be unreasonably burdensome.

15 13. The past-tense forms of verbs in these requests include their present-tense
16 forms, and vice versa.

17 14. The singular form of a noun or pronoun includes the plural form, and the
18 plural form indicates the singular.

19 15. The connectives "and" and "or" shall be construed either disjunctively or
20 conjunctively as necessary to bring within the scope of a document production topic all
21 responses that otherwise might be construed to be outside its scope.

22 16. A reference to an entity, agency, department, or board in this request shall be
23 construed to include its officers, directors, partners, members, managers, employees,
24 representatives, agents, consultants, or anyone acting on its behalf.

25 REQUESTS FOR PRODUCTION

26 REQUEST FOR PRODUCTION NO. 1:

27 All Documents and Communications from January 1, 2017, to the present relating
28 to the use of birthplace and Citizenship Checkbox on the State Form, including but not
limited to whether Voter Registration Applicants were required to provide birthplace or

1 complete the Citizenship Checkbox to be registered to vote, whether Voter Registration
2 Applicants actually did provide such information, how frequently Voter Registration
3 Applicants actually did provide a correct or incorrect birthplace, fail to provide a birthplace,
4 complete or fail to complete the Citizenship Checkbox, or make errors in completing the
5 Citizenship Checkbox, and whether Voter Registration Applicants were rejected for failing
6 to provide this information and/or the number of Voter Registration Applicants who cured
7 their applications for these errors or omissions pertaining to birthplace and/or the
8 Citizenship Checkbox.

9 **REQUEST FOR PRODUCTION NO. 2:**

10 Any and all Documents and Communications related to Your office's processes and
11 procedures for checking the citizenship or residence location of voters prior to the
12 enactment of the Challenged Laws, including but not limited to Documents and
13 Communications that describe or explain how Your office should determine citizenship
14 and residence location of a Registered Voter or Voter Registration Applicant.

15 **REQUEST FOR PRODUCTION NO. 3:**

16 Any and all Documents and Communications relating to—including but not limited
17 to a complete list of—Registered Voters whose registrations were cancelled, suspended,
18 removed, placed on Congressional-only or federal-only status, or restricted in any manner
19 for any reason and Voter Registration Applicants whose registration applications were
20 denied, challenged, placed on Congressional-only or federal-only status, or otherwise not
21 granted in any manner for any reason (including but not limited to missing, inaccurate,
22 non-matching, unverifiable, or otherwise defective DPOR or DPOC) from January 1, 2022
23 to the present. This request includes Documents and Communications that address the
24 reasons for the denial, challenge, placement on Congressional-only or federal-only status,
25 cancellation, suspension or removal, the final disposition of the denial, challenge,
26 placement on Congressional-only or federal-only status, cancellation, suspension or
27 removal, whether the Registered Voter or Voter Registration Applicant were notified of
28 the decision and given the opportunity to cure, and all Voter Registration Information and
Voter Registration History on both individual and aggregate levels.

1
2 **REQUEST FOR PRODUCTION NO. 4:**

3 Any and all Documents and Communications pertaining to methods by which Voter
4 Registration Applicants or Registered Voters can appeal, contest, or cure a rejection of
5 their voter registration application, placement on a Congressional-only or federal-only
6 voter list, or a change in their voter registration status based on a finding by Your office of
7 non-citizenship or an absence of DPOC or failure to check the Citizenship Checkbox, non-
8 residency, or an absence of DPOR, or failure to provide birthplace on their registration
9 application.

10 **REQUEST FOR PRODUCTION NO. 5:**

11 Any and all Documents and Communications related to Nonstandard Addresses,
12 including all documents concerning how Your office has implemented voter registration
13 and list maintenance programs that account for voters with Nonstandard Addresses, any
14 assistance provided to a tribe or a tribal, rural, or other resident within its jurisdiction whose
15 residence has only a Nonstandard Address with voter registration, precinct assignment,
16 and/or assigning a standard residential street address to a home(s), and the ability of voters
17 to submit a description and/or graphic depiction of their location of residence, using either
18 the State Form or Federal Form.

19 **REQUEST FOR PRODUCTION NO. 6:**

20 All voter registration applications submitted since January 1, 2020, along with
21 related County and responsive voter correspondence and notes, for applicants who have
22 used the option in the State Form to “describe [the] location [of their residence] using
23 mileage, cross streets, parcel #, subdivision name/lot, or landmarks” and to “[d]raw a map
24 and/or provide latitude/longitude or geocode in Box 23 if located in a rural area without a
25 traditional street address” or the option in the Federal Form, to “show where [they] live”
26 using the map in Box C. This request includes applications and related documents in which
27 the applicant has been successfully registered and applications and related documents for
28 individuals who have been denied voter registration or removed from the voter rolls. This

1 request also includes related County Recorder correspondence and corresponding voter
2 responses regarding moving a voter to inactive status or cancelling a registration.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 All Documents and Communications concerning actual or alleged misconduct,
5 fraud, a lack of voter confidence, election security, or other problems related to citizenship,
6 residence location, or proof of citizenship or residential addresses in voter registration,
7 including but not limited to bulletins, memoranda, training manuals, policies and
8 procedures, and complaints or reports received from citizens and the County's response or
9 other documents (including internal and external communications) evidencing the
10 investigation and resolution of each communication or complaint.

11 **REQUEST FOR PRODUCTION NO. 8:**

12 All Documents and Communications concerning potential voters who have sought
13 to vote early, or applied to vote by mail, who do not appear on the voter registration list,
14 including but not limited to all rejections of mail ballot applications due to lack of
15 registration and provisional ballots cast due to lack of registration and the outcome of those
16 provisional ballots.

17 **REQUEST FOR PRODUCTION NO. 9:**

18 All Documents and Communications concerning inequity (whether it be actual,
19 potential, alleged, or perceived inequity) in access to voter registration and voting and
20 provision of voting resources among racial, ethnic, national origin, or language minority
21 communities, including but not limited to external studies, voter or advocate
22 communications or complaints, or internal assessments related to such inequities.

23 **REQUEST FOR PRODUCTION NO. 10:**

24 All Documents referenced in, or relied upon in formulating, your responses to all
25 interrogatories in this matter.
26
27
28

/s/ Christopher D. Dodge

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT COUNTY RECORDERS** on counsel of record for all parties by email.

Dated: May 30, 2023

/s/ Danielle Lang

Danielle Lang

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-SRB
(Lead)

**CONSOLIDATED PLAINTIFFS'
FIRST SET OF
INTERROGATORIES TO THE
DEFENDANT COUNTY
RECORDERS, IN THEIR OFFICIAL
CAPACITIES**

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

PROPOUNDING PARTY: Consolidated Plaintiffs

RESPONDING PARTY: Defendants Apache County Recorder Larry Noble;
Cochise County Recorder David W. Stevens;
Coconino County Recorder Patty Hansen;
Gila County Recorder Sadie Jo Bingham;
Graham County Recorder Polly Merriman;
Greenlee County Recorder Sharie Milheiro;
La Paz County Recorder Richard Garcia;
Maricopa County Recorder Stephen Richer;
Mohave County Recorder Kristi Blair;
Navajo County Recorder Michael Sample;

1 Pima County Recorder Gabriella Cázares-Kelly;
2 Pinal County Recorder Dana Lewis;
3 Santa Cruz County Recorder Anita Moreno;
4 Yavapai County Recorder Michelle M. Burchill; and
5 Yuma County Recorder Richard Colwell, in their
6 official capacities

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SET NUMBER:

ONE (1)¹

26 ¹ Plaintiff Arizona Asian American Native Hawaiian And Pacific Islander For Equity
27 Coalition served its First Request for Production of Documents on the County Recorders
28 on December 12, 2022. This is the First Set of Requests for Production to the County
Recorders served jointly by all consolidated Plaintiffs.

Pursuant to Federal Rules of Civil Procedure 26 and 33, consolidated Plaintiffs, by and through counsel, serve the following Interrogatories upon Defendants Apache County Recorder Larry Noble; Cochise County Recorder David W. Stevens; Coconino County Recorder Patty Hansen; Gila County Recorder Sadie Jo Bingham; Graham County Recorder Polly Merriman; Greenlee County Recorder Sharie Milheiro; La Paz County Recorder Richard Garcia; Maricopa County Recorder Stephen Richer; Mohave County Recorder Kristi Blair; Navajo County Recorder Michael Sample; Pima County Recorder Gabriella Cázares-Kelly; Pinal County Recorder Dana Lewis; Santa Cruz County Recorder Anita Moreno; Yavapai County Recorder Michelle M. Burchill; and Yuma County Recorder Richard Colwell, in their official capacities (“Defendants” or “County Recorders”).

Responses to these Interrogatories must be produced within thirty (30) days after service in accordance with Rule 33. As agreed among the parties, all discovery responses and documents shall be produced to all counsel of record. Each Interrogatory is subject to the Definitions and Instructions set forth below.

DEFINITIONS

Except as specifically defined below, the terms used in these Interrogatories shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. “Any” or “all” means “any and all.”
2. “Challenged Laws” means Arizona House Bill 2492 signed into law by the Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.
3. “Citizenship Checkbox” means the “yes” box next to the question regarding citizenship on a voter registration form, as described in A.R.S. § 16-121.01.
4. “Communication” means any transfer of information of any type, whether written, oral, electronic, or otherwise, and includes transfers of information via email,

1 report, letter, text message, voicemail message, written memorandum, note, summary, and
2 other means. It includes communications entirely internal to the County Recorder's office,
3 as well as communications that include or are with entities and individuals outside of the
4 County Recorder's office.

5 5. "Document" is synonymous in meaning and scope to the term "document"
6 as used under Federal Rule of Civil Procedure 34 and "writings" and "recordings" as
7 defined in Federal Rules of Evidence 1001, and it includes, but is not limited to, records,
8 reports, lists, data, statistics, summaries, analyses, communications (as defined above), any
9 computer discs, tapes, printouts, emails, databases, and any handwritten, typewritten,
10 printed, electronically recorded, taped, graphic, machine-readable, or other material, of
11 whatever nature and in whatever form, including all non-identical copies and drafts thereof,
12 and all copies bearing any notation or mark not found on the original.

13 6. "DPOC" means documentary proof of citizenship as required for voter
14 registration under the Challenged Laws.

15 7. "DPOR" means documentary proof of location of residence as required for
16 voter registration under the Challenged Laws.

17 8. "Federal Form" means the federal mail voter registration application form
18 developed by the U.S. Election Assistance Commission pursuant to the National Voter
19 Registration Act.

20 9. "Including" means "including but not limited to."

21 10. "Nonstandard Address" means, but is not limited to, residential addresses
22 that do not include a complete address number and/or a street name; addresses that appear
23 to be directions (such as "between mile markers x and y" or "the second house on the left");
24 addresses that include a complete address number and street name or otherwise resemble a
25 standard address, but are not listed in nontribal governmental databases; and other
26 addresses that lack address coordinators or are not typically geocoded.

27 11. "Person" means not only natural persons, but also firms, partnerships,
28 associations, corporations, subsidiaries, divisions, departments, joint ventures,
proprietorships, syndicates, trust groups, and organizations; federal, state, or local

1 governments or government agencies, offices, bureaus, departments, or entities; other
2 legal, business, or government entities; and all subsidiaries, affiliates, divisions,
3 departments, branches, and other units thereof or any combination thereof.

4 12. “Registered Voter” means a person who has been added to the official list of
5 eligible voters for any election held in Arizona, including those voters whose registration
6 is limited to “Federal Only” ballots.

7 13. “Relating to,” “regarding,” or “concurring” and their cognates are to be
8 understood in their broadest sense and shall be construed to include pertaining to,
9 commenting on, memorializing, reflecting, recording, setting forth, describing, evidencing,
10 or constituting.

11 14. “State Form” means any voter registration form prescribed by the Secretary
12 of State, as described in A.R.S. § 16-152.

13 15. “You,” “your,” “Defendants” and “County Recorders” means Defendants
14 Apache County Recorder Larry Noble; Cochise County Recorder David W. Stevens;
15 Coconino County Recorder Patty Hansen; Gila County Recorder Sadie Jo Bingham;
16 Graham County Recorder Wendy John; Greenlee County Recorder Sharie Milheiro; La
17 Paz County Recorder Richard Garcia; Maricopa County Recorder Stephen Richer; Mohave
18 County Recorder Kristi Blair; Navajo County Recorder Michael Sample; Pima County
19 Recorder Gabriella Cázares-Kelly; Pinal County Recorder Dana Lewis; Santa Cruz County
20 Recorder Suzanne Sainz; Yavapai County Recorder Michelle M. Burchill; and Yuma
21 County Recorder Richard Colwell, in their official capacities, and includes any
22 predecessors and successors to your offices; any past and present employees, staff, agents,
23 assigns, and representatives of your offices; and any other persons or entities that, at any
24 time, acted on behalf or for the benefit of your offices.

25 16. “Voter Registration Applicant” means a person who has submitted an
26 application to register to vote in Arizona, whether or not the application is deemed
27 complete.

28 17. “Voter Registration Information” means all Documents derived from a
person’s voter registration application and any other information maintained regarding the

applicant, voter, or canceled voter, including all identifying information, voter registration status and history, voting history, gender, sex, race and/or national origin information, and all data maintained within the statewide voter file as well as any local database maintained by Your office.

18. “Voter Registration History” includes the following Communications, Documents, and information for each voter:

- a. All Communications, records, or database entries (whether entered manually or automatically generated) regarding the processing history, including the receipt, acceptance, or denial of applications; review of supporting documents submitted with the application; missing documents or records; additional documents submitted; and reasons for acceptance, denial, or other actions;
- b. Fields or other records that show what type of document or type of document number was submitted with the application, specifically including a passport or birth certificate, driver’s license number, as well as other items;
- c. Data related to any correspondence that was sent to the applicant;
- d. Data related to any correspondence that was received from the applicant; and
- e. Fields that correspond to the Application, Status Reason, DL # Response Code Report, SSN Response Code Report, or any electronic records showing or reflecting the comparison of voter information with any database or system.

INSTRUCTIONS

You are to follow the instructions set forth below in responding to these Interrogatories.

1. Pursuant to Federal Rule of Civil Procedure 33(b)(4), if you object to any part of an Interrogatory, set forth the basis of your objection and respond to all parts of the interrogatory to which you do not object. Any ground not stated in a timely objection is waived.

2. Where you, in good faith, doubt the meaning or intended scope of an Interrogatory, before objecting to the Interrogatory based on its vagueness, overbreadth, or

1 ambiguity, contact Plaintiffs' counsel in advance of asserting an objection. Plaintiffs'
2 counsel will provide whatever additional clarification or explanation may be needed. If you
3 still believe the Interrogatory to be vague, overbroad, or ambiguous, set forth in your
4 response what you find to be vague, overbroad, or ambiguous and the construction you
5 used in responding.

6 3. If any objection is raised to these Interrogatories on the basis of an assertion
7 of privilege, you shall provide both a description of the basis of the privilege and all
8 information necessary for Plaintiff to assess the claim of privilege.

9 4. If, after a reasonable inquiry, you do not know the answer to any
10 Interrogatory, or if there are limitations to your knowledge about the answer to any
11 Interrogatory, provide whatever answer you can including the limitations to your
12 knowledge. If there are other people or entities that you believe may know the answer to
13 any Interrogatory or may be able to provide additional information in response to any
14 Interrogatory, identify those people or entities in your response.

15 5. Pursuant to Federal Rule of Civil Procedure 26(e), you are under a duty to
16 promptly supplement or correct your responses to these Interrogatories if you learn that a
17 response is in some material respect incomplete or incorrect. If you expect to obtain further
18 information or expect the accuracy of a response given to change between the time
19 responses are served and the time of trial, you are requested to state this fact in each
20 response. Supplementary answers are to be served upon Plaintiffs' counsel as soon as
21 practicable after you receive this new information, but, in any event, no later than 14 days
22 after its receipt.

23 INTERROGATORIES

24 INTERROGATORY NO. 1:

25 Identify and describe each way that Your office uses or would use information
26 related to the birthplace of a Voter Registration Applicant—including Applicants for whom
27 you already have DPOC--to verify such person's eligibility to vote, including but not
28 limited to each way in which a Voter Registration Applicant's failure to provide their
birthplace affects or would affect Your ability to confirm the Voter Registration

1 Applicant's identity or determine whether that person is eligible to register and vote in
2 Arizona. Your answer should identify by name any witnesses who have or are likely to
3 have knowledge or information related to how such information is or would be used by
4 Your office.

5 **INTERROGATORY NO. 2:**

6 Identify and describe Your office's processes and procedures for checking the
7 citizenship or residence address or location of Registered Voters or Voter Registration
8 Applicants both before and after the Challenged Laws were enacted, including but not
9 limited to any Documents and Communications that describe or explain how Your office
10 should determine citizenship and residence address or location of a Registered Voter or
11 Voter Registration Applicant. Your answer should identify by name any witnesses who
12 have or are likely to have knowledge or information related to such agreements, or the
13 relevant information contained in such databases.

14 **INTERROGATORY NO. 3:**

15 Identify and describe each way in which a Voter Registration Applicant's failure to
16 check the Citizenship box on the State Form affects or would affect Your ability to
17 determine whether that person is eligible to register and vote in Arizona, including but not
18 limited to cases where you have DPOC for the Voter Registration Applicant.

19 **INTERROGATORY NO. 4:**

20 Identify all sources of citizenship information that are accessible to You or that you
21 anticipate will become accessible to you, and which of those are practicable to use in the
22 ways required by the Challenged Laws including any and all Documents, Communications,
23 or Agreements pertaining to the process to confirm DPOC or DPOR, such as any
24 agreements Your office has to utilize any database or systems (including but not limited to
25 the SAVE system), all documentation concerning the use of such systems to confirm
26 DPOC or DPOR (terms, matching algorithms, rules, criteria, or processes used to conduct
27 database searches), and any Communications pertaining to such database searches or their
28 results. Your answer should identify by name any witnesses who have or are likely to have
knowledge or information related to the identified databases.

INTERROGATORY NO. 5:

Identify and describe each instance where a database search on a Voter Registration Applicant or Registered Voter yielded inaccurate or outdated U.S. citizenship information or a challenge to a voter's registration or ballot relied on inaccurate or outdated U.S. citizenship information, including but not limited to instances where the database search or challenge process incorrectly determined a Voter Registration Applicant or Registered Voter was not a U.S. citizen, and whether such person flagged as an alleged noncitizen had actually naturalized. Your response should include both erroneous initial determinations of non-citizenship later corrected or updated, as well as rejected challenges to a voter's registration or ballot based on inaccurate, or outdated U.S. Citizenship information or allegations of non-U.S. citizenship.

INTERROGATORY NO. 6:

Identify and describe Your office's processes and procedures for processing voter registration applications with nonstandard addresses, including but not limited to all processes and procedures concerning how You have implemented voter registration and list maintenance programs for voters with nonstandard addresses, any assistance provided to a tribe or a tribal, rural, or other resident within Your jurisdiction who uses a nonstandard address with voter registration, precinct assignment, and/or assigning a standard residential street address to such Voter Registration Applicants, and the ability of Voter Registration Applicants to submit a description and/or graphic depiction of their location of residence, using either the State Form or Federal Form.

INTERROGATORY NO. 7:

Identify every type of document a person who resides in a location with only a Nonstandard Address can use to prove the location of their residence under A.R.S. § 16-123, including a description of all the elements each document must contain to satisfy the proof of location of residence requirement and an explanation of the basis of Your belief that persons who reside in locations with only Nonstandard Addresses have such documents available to them. Your answer should identify by name any witnesses who

1 have or are likely to have knowledge or information about the availability of satisfactory
2 documents for persons residing in locations with only Nonstandard Addresses.

3 **INTERROGATORY NO. 8:**

4 Identify and describe each method by which Registered Voters or Voter Registration
5 Applicants can appeal, contest, or cure decisions by Your office based on a finding of non-
6 citizenship or absence of DPOC or failure to check the Citizenship Checkbox, failure to
7 prove location of residence or an absence of DPOR, or failure to provide their birthplace
8 on their registration application, including but not limited to the standards applied in
9 considering any such effort to appeal, contest, or cure such decisions, the notice provided
10 to the Voter Registration Applicant or Registered Voter of the outcome of any such effort,
11 any Documents and Communications that describe or explain such methods, standards, and
12 notice, and each instance since January 1, 2017 in which a Registered Voter or Voter
13 Registration Applicant has availed themselves of such methods to appeal, contests, or cure
14 such decision and the outcome of each such effort.

15 **INTERROGATORY NO. 9:**

16 Identify and describe each instance in which You have established that a non-U.S.
17 citizen or non-County resident has registered to vote or has voted in Your County from
18 January 1, 2013 to present, including but not limited to any supporting evidence thereof,
19 any Documents and Communications related to such instance, whether such instance
20 involved misconduct, fraud, or mistake, and any instance in which Your office informed
21 such non-U.S. citizen or non-County resident they were eligible to vote in the County and
22 later determined they were actually ineligible. Your answer should identify by name any
23 witnesses who have or are likely to have knowledge or information related to any such
24 instance of a non-U.S. citizen or non-County resident registering or voting in Your County.

25 **INTERROGATORY NO. 10:**

26 Identify all state and county interests that you believe are furthered by the
27 Challenged Laws and all evidence that either supports or undermines the contention that
28 the Challenged Laws further those interests. Your answer should specify which alleged
state or county interest(s) support each challenged provision of the Challenged Laws and

1 the connection between the alleged state or county interests and challenged provisions.
2 Your answer should also identify by name any witnesses who have or are likely to have
3 knowledge or information related to the importance of the state interests identified in this
4 answer and how the Challenged Laws are likely to interact with those interests.

5 **INTERROGATORY NO. 11:**

6 For every Request for Production served on You in this matter, please describe the
7 methodology for Your search for responsive documents and productions, including but not
8 limited to identifying the individuals who assisted in the search, custodians, search terms,
9 date ranges, protocols for retention of metadata, and methods for collection and review for
10 responsiveness and privilege.

11 **INTERROGATORY NO. 12:**

12 FOR DEFENDANTS MARICOPA COUNTY RECORDER STEVEN RICHER AND
13 PIMA COUNTY RECORDER GABRIELLA CÁZARES-KELLY ONLY:

14 Describe in detail Your County's voter registration database system and how it
15 relates to the voter registration database maintained by the Secretary of State, including the
16 software and vendor Your database relies upon, all data fields and voter information
17 maintained in Your database and how they differ, if at all, from the Secretary of State's
18 statewide database, how the data fields are inputted, updated, and maintained in Your
19 database, and how Your database shares information with the Secretary of State's statewide
20 database. Your answer should identify by name any witnesses who have or are likely to
21 have knowledge or information related to Your County's voter registration database.
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/s/ Christopher D. Dodge

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I served the foregoing **CONSOLIDATED PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT COUNTY RECORDERS, IN THEIR OFFICIAL CAPACITIES** on counsel of record for all parties by email.

Dated: May 30, 2023

/s/ Danielle Lang

Danielle Lang